

REGULAR

NUMBER: 38.817

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING SECTION 56 OF CHAPTER 10 OF TITLE XI OF THE MILPITAS MUNICIPAL CODE RELATING TO THE SUNSET PROVISION FOR RE-ESTBALISHMENT OF DISCONTINUED NON-CONFORMING USES WITHIN THE TRANSIT AND MIDTOWN SPECIFIC PLAN AREAS.

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of _____, upon motion by _____ and was adopted (second reading) by the City Council at its meeting of _____, upon motion by _____. The Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

RECITALS AND FINDINGS:

WHEREAS, Section XI-10-56.03.B of the Milpitas Zoning Code sets forth a sunset provision for re-establishment of discontinued non-conforming uses within the Midtown and Transit Area Specific Plan areas in the City of Milpitas; and

WHEREAS, Section XI-10-56.03.B of the Milpitas Zoning Code is inoperative on June 16, 2014 unless an ordinance is adopted by the Milpitas City Council to extend the date; and

WHEREAS, the City Council hereby adopts this Ordinance to extend the sunset provision from June 16, 2014 to June 16, 2016.

NOW, THEREFORE, the City Council of the City of Milpitas does ordain as follows:

SECTION 1. RECORD AND BASIS FOR ACTION

The City Council has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the City Council. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. AMENDMENT OF MILPITAS MUNICIPAL CODE SECTION XI-10-56.03.B(2)

Section XI-10-56.03.B.2 of the Milpitas Municipal Code is hereby amended with the text below to read as follows:

2. This Section XI-10-56.03(B) shall become inoperative June 16, ~~2016~~~~2014~~, and shall be considered repealed on that date, unless a later enacted ordinance that becomes effective on or before June 16, ~~2016~~~~2014~~, deletes or extends that date. All other provisions of Section XI-10-56.03 shall be unaffected by this sunset clause.

SECTION 3. SEVERABILITY

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision or part shall not affect the validity of the remainder.

SECTION 4. EFFECTIVE DATE AND POSTING

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect thirty (30) days from and after the date of its passage. The City Clerk of the City of Milpitas shall cause this Ordinance or a summary thereof to be published in accordance with Section 36933 of the Government Code of the State of California.